

REMARKS:

Applicant greatly appreciates the acknowledgment of receipt of the priority document in part 12 of the Office Action Summary. Applicant also greatly appreciates the copy of form PTO-1449 initialed by Examiner Whipkey, which was received together with the Office action.

The foregoing amendments amended the abstract of the disclosure to remove objectionable terminology therefrom. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the objection to the abstract of the disclosure as set forth in section 1 on page 2 of the Official action.

In addition, the foregoing amendments amended claim 1 by inserting the limitations of claim 2 therein. Claims 2, 4, 6 and 9 were canceled. Claim 3 was rewritten as an independent claim including the limitations of claim 1 from which it depended. Claims 12-16 were added to the application. Claims 12 and 14 further define that the vibration detector includes an element that outputs a signal relative to an amount of expansion or contraction of the element. Claims 13 and 15 further define that the vibration detector is connected to a piston rod and detects a variation in force applied to said piston rod due to an unevenness of a road surface and outputs a voltage based thereon to the motion blur detector. Support for claims 12-15 is provided in paragraphs [0029]-[0031] and elsewhere in U.S. Patent Publication No. 2004/0212686 A1, which corresponds to the present application.

New claim 16 defines, *inter alia*, a camera mounted on a vehicle, a road surface sensor mounted on a suspension of the vehicle, a suspension controller receiving an output from the road surface sensor and outputting a signal controlling an actuator of the suspension the vehicle, and an image motion blur corrector correcting a motion blur in an image captured by the camera based on another signal output from the suspension controller, and a display controller displaying an image corrected by the image motion blur corrector. These aspects of applicant's invention are

shown in FIGS. 1 and 2 and discussed in paragraphs [0025]-[0027] and elsewhere in U.S. Patent Publication No. 2004/0212686 A1, which corresponds to the present application.

The amendments to claims 8-11 changed the expression "a vibrations" to -- vibrations -- and the expression "said screen" to -- a screen --, both as kindly suggested in the outstanding Office action in the objection and rejection to these claims. For these reasons, applicant respectfully requests that the examiner reconsider and withdraw the objection to claims 8-11 set forth in section 1 on page 2 of the Official action. Also for these reasons, applicant respectfully submits that claims 8-11 particularly point out and distinctly claim the invention within the meaning of 35 U.S.C. §112, second paragraph. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the rejection under the second paragraph of 35 U.S.C. §112 that was set forth in section 4 on page 3 of the Official action.

Claims 1, 3, 5, 7, 8, and 10-16 are pending in the application for consideration by the examiner. Consideration and allowance of these claims are respectfully requested for at least the following reasons.

Claims 1 and 8 were rejected under 35 U.S.C. §102(b) as being anticipated by Okawa (Japanese Patent Publication No. 11-331681). This rejection appears on pages 3 and 4 of the Official action. Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Okawa in view of Minowa (U.S. Patent Publication No. 2001/0008989). This rejection appears on pages 4 and 5 of the Official action. Claims 2, 4-7, and 9-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Okawa and Minowa in view of Bethell (U.S. Patent No. 5,104,144). This rejection appears on pages 5-8 of the Official action. Applicant respectfully submits that the inventions defined in claims 1, 3, 5, 7, 8, and 10-16 are patently distinguishable from the teachings of Okawa, Minowa, and/or Bethell within the meaning of 35 U.S.C. §102 or 35 U.S.C. §103 for at least the following reasons.

Present claims 1, 3, and 16 all define a vehicle-mounted camera apparatus, comprising, *inter alia*, a vibration detector (road surface sensor in claim 16) that is provided on a suspension of the vehicle. The Official action appeared to equate the acceleration sensor 7 proposed by Okawa to the presently claimed vibration detector (road surface sensor). However, in the rejection of claim 3 the Official action stated Okawa is silent regarding providing the vibration detector on a suspension of the vehicle, thereby acknowledging that the teachings of Okawa do not disclose or suggest this arrangement of the presently claimed inventions. The teachings of Minowa allegedly were cited as teaching an acceleration sensor 104 set to a chassis of a vehicle. However, while a chassis of a vehicle may allegedly include a suspension of the vehicle, the teachings of Minowa cannot suggest such an arrangement where the acceleration sensor 104 is mounted to a suspension of a vehicle. This is because Minowa requires that the acceleration sensor 104 has an arrangement as shown in FIG. 14 therein; where the acceleration sensor 104 is mounted on the television camera 96 or the chassis of the vehicle next to the television camera, but is not in any way associated with a suspension of the vehicle, as required in present claim 3.

Thus, the teachings of neither Okawa nor Minowa contemplates or suggests, *inter alia*, a vibration detector provided on a suspension of the vehicle that detects variation of force applied to a piston rod of a shock absorber contained within the suspension of the vehicle as vibration transferred to the vehicle, as required in present claim 1. Accordingly, applicant respectfully submits that the inventions defined in present claims 1, 3, and 16 are patently distinguishable from the teachings of Okawa and Minowa with the the meaning of 35 U.S.C. §103.

In the rejection of claim 3, the Official action took Official Notice that it was well known in the art at the time the invention was made to place an acceleration sensor (for motion-correcting purposes) and a camera as close to each other as possible. Applicant respectfully submits that it is not well known in the art to place a camera and an acceleration sensor therefor

separate from each other, but close together in the manner defined in present claim 3. This is an important aspect of applicant's invention, and the principal evidence of this aspect of the presently claimed invention can not be based on common knowledge (Official Notice).

Applicant respectfully requests that the examiner cite a teaching reference showing a camera and an acceleration sensor therefor separate from each other, but close together in the manner defined in present claim 3, or withdraw this rejection. The examiner is reminded that the Board of Patent Appeals and Interferences (Board) will not be able to sustain a prior art rejection without some form of evidence in the record to support the alleged facts of common knowledge or Official Notice. See *In re Lee*, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002); *In re Zurko*, 258 F.3d 1379, 1386, 59 USPQ2d 1693, 1697 (Fed. Cir. 2002), which held that general conclusions concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection. This is because the standard of review applied to findings of fact (i.e., obviousness) is the "substantial evidence" standard under the Administrative Procedure Act (APA). See *In re Gartside*, 203 F.3d 1305, 1315, 53 USPQ2d 1769, 1775 (Fed. Cir. 2000).

The teachings of Bethell were used in the prior art rejection of claims 2, 4-7, and 9-11. Applicant respectfully submits that the teachings of Bethell do not cure or rectify the deficiencies in the teachings of Okawa and Minowa, as discussed above. Furthermore, applicant respectfully submits that the inventions defined in claims 1, 3, 5, 7, 8, and 10-16 are patently distinguishable from the teachings of Okawa, Minowa, and/or Bethell within the meaning of 35 U.S.C. §102 or 35 U.S.C. §103 for at least the following reasons.

The teachings of Bethell propose a sonar-type device, where a hydraulic actuator includes the use of a transducer for making and receiving waves propagated through a dampening fluid

contained within a working chamber. The teachings of Bethell have nothing to do with correcting motion blur of a camera. Therefore, there is no reason to isolate a portion of the teachings of Bethell, such as the transducer, and substitute this isolated portion into the teachings of Okawa and/or Minowa in association with a camera mounted on a vehicle in a manner that would arrive at the presently claimed invention within the meaning of 35 U.S.C. §103.

It is respectfully noted that the teachings of Bethell propose the use of the transducer described therein, which makes and receives waves propagated through a dampening fluid, together with a timing circuit for measuring the difference in time of the sound waves emitted by the transducer and the sound waves received by the transducer. In other words, within the teachings of Bethell the transducer and timing means among other structures must be used together. For at least this reason, applicant respectfully submits that there can be no reason to substitute only the transducer without the timing means proposed by Bethell into the teachings of Okawa and Minowa. Such a substitution would destroy the teachings of Bethell.

On the other hand, inserting the timing means that is necessarily required with the transducer proposed by Bethell would destroy the teachings of Okawa and Minowa, because there is no explanation or reason to believe that the timing means proposed by Bethell would work within the devices proposed by Okawa and Minowa. The courts have repeatedly held that references cannot be modified, if the effect would destroy the invention on which the references are based. *In re Randol and Redford*, 165 USPQ 586 (CCPA 1970); *Ex parte Thompson*, 184 USPQ 558 (PTO Bd. Pat Apps. & Interf. 1974); *Ex parte Hartman*, 186 USPQ 336 ((PTO Bd. Pat Apps. & Interf. 1976). To wit, it cannot be obvious for one of ordinary skill in the art to isolate and substitute an essential component of a structure, when the teaching reference states that the component must necessarily be used with other components required therein. Separating the transducer from the timing means in the device proposed by Bethell destroys the invention

therein. Therefore, it cannot be obvious to substitute the transducer from the teachings of Bethell into the teachings of Okawa and/or Minowa and arrive at the presently claimed invention.

Applicant respectfully submits that the combination of the transducer and timing means proposed by Bethell teaches away from using the transducer without the timing means within the devices proposed by Okawa and/or Minowa. Therefore, it cannot be obvious to substitute the transducer proposed by Bethell for a sensor proposed by Okawa and/or Minowa, especially since Bethell and the combination of Okawa and Minowa are directed to different fields of inventions. *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007).

Claim 5 and 7 require, *inter alia*, that the vibration detector is a sensor for controlling damping force of a shock absorber of a suspension of the vehicle. New claim 16 requires, *inter alia*, a suspension controller receiving an output from the road surface sensor and outputting a signal controlling an actuator of the suspension of the vehicle, and an image motion blur corrector correcting a motion blur in an image captured by the camera based on another signal output from the suspension controller. In other words, claims 5, 7, and 16 require, *inter alia*, that a sensor that controls damping force of a shock absorber of a suspension of the vehicle also corrects a motion blur in an image captured by the camera. None of the teachings of Okawa, Minowa, and Bethell contemplates or suggests this arrangement of applicant's claimed invention.

New claims 12 and 14 further define that the vibration detector includes an element that outputs a signal relative to an amount of expansion or contraction of the element. New claims 13 and 15 further define that the vibration detector is connected to a piston rod and detects a variation in force applied to the piston rod due to an unevenness of a road surface and outputs a voltage based thereon. The arrangements defined in new claims 12-15 are not contemplated or suggested by the teachings of Bethell, which are concerned with a sonar-type device. Therefore, the teachings of Bethell cannot disclose or suggest the previously mentioned arrangements set

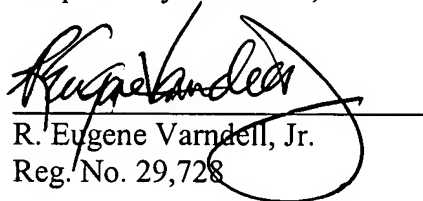
forth in claims 12-15. The teachings of Okawa and Minowa do not cure or rectify the previously mentioned deficiencies in the teachings of Bethell. Accordingly, applicant respectfully submits that the inventions defined in claims 12-15 are patently distinguishable from the teachings of Okawa, Minowa, and/or Bethell.

For at least the foregoing reasons, applicant respectfully submits that the inventions defined in claims 1, 3, 5, 7, 8, and 10-16 are patently distinguishable from the teachings of Okawa, Minowa, and/or Bethell within the meaning of 35 U.S.C. §103. Therefore, applicant respectfully requests that the examiner reconsider and withdraw all rejections over these teachings as set forth in the outstanding Office Action.

The foregoing is believed to be a complete and proper response to the Official action mailed July 5, 2007. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees that become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,


R. Eugene Varnell, Jr.
Reg. No. 29,728

Posz Law Group, PLC
12040 South Lakes Drive
Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400